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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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ROBERT N. CRUMPS, §  
§  
Petitioner, §  
§  
versus § CIVIL ACTION NO. 1:05-CV-775  
§  
BUREAU OF PRISONS, *et al.*, §  
§  
Respondents. §

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Robert N. Crumps, a federal prisoner, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the petition without prejudice to allow petitioner to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

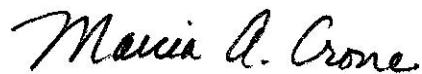
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Petitioner has not shown that it would be futile to exhaust administrative remedies. The Bureau of Prisons may change the regulation concerning halfway house placement because it has been invalidated by two appellate courts. *See Fults v.*

*Sanders*, 442 F.3d 1088, 1089 (8th Cir. 2006); *Woodall v. Bureau of Prisons*, 432 F.3d 235, 240 (3d Cir. 2005). After careful consideration, the court concludes the objections are without merit.

**ORDER**

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 29th day of August, 2006.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE